Google Inc v. Central Mfg. Inc. et al

Doc. 22 Att. 19

Case 1:07-cv-00385

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FORM B10 (Official Form 10) (04/04)

United States Bankruptcy Court Northern District of Illinois						
Name of Debtor Leo Stoller	· · · · · · · · · · · · · · · · · · ·		AME		IDED PROOF OF CLAIM	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.						
Name of Creditor (The person or other entity to whom the debtor owes money or property) Google Inc.			Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.			
Name and Address Where Notices Should be Sent c/o Michael Zeller Quinn Emanuel Urquhart Oliver & Hedges, LLP 865 South Figueroa Street, 10th Floor Los Angeles, CA 90017			 Check box if you have never received any notices from the bankruptcy court in this case. Check box if the address differs from the address on the envelope sent to you by the court. 		THIS SPACE FOR COURT USE ONLY	
Account or other number by which cred debtor:	ditor identifies	Check here if t		es a previously	y filed claim dated:December 7, 2006	
1. BASIS FOR CLAIM Goods sold Money loaned Taxes Retiree benefits as define	ods sold Services performed Wages, salaries and compensation (fill out below) oney loaned Personal injury/wrongful death Last four digits of SS#					
2. DATE DEBT WAS INCURRED Jan 2006 to present 3. IF COURT JUDGMENT, DATE OBTAINED:						
4. Total Amount of Claim at Time Case Filed: \$						
Secured claim Check this box if your claim is secured by collateral (including a right of setoff) Brief Description of Collateral Real Estate			7. Unsecured Priority Claim Check this box if you have an unsecured priority claim Amount entitled to priority \$ 250,000 Specify the priority of the claim: Chapter 13 Administrative Wages, salaries, or commissions (up to \$4,925),* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3)			
Value of collateral: \$ Amount of arrearage and other charges at time case filed included in secured claim above, if any: \$			□ Contributions to an employee benefit plan – 11 U.S.C. § 507(a)(4) □ Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6). □ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7)			
6. Unsecured Nonpriority Claim \$						
÷			Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(1) and § 503(b) *Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.			
 CREDITS: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. SUPPORTING DOCUMENTS: <u>Attach copies of supporting documents</u>, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL. DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. ANY ATTACHMENT MUST BE 8-1/2" BY 11". (See attached Supplement) DATE-STAMPED COPY: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and an additional copy of this proof of claim. 				es, ha	THIS SPACE IS FOR COURT USE ONLY	
Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any) 2/20/2006 /s/ William J. Barrett, counsel for the claimant Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both					SS 152 and 2574	

EXHIBIT

Supplement to Proof of Claim of Google Inc.

Google Inc. ("Google") submits this Proof of Claim to, inter alia, preserve its rights as an administrative claimant as described further below and/or in the event any action is taken that potentially impairs the rights and benefits of Google under that Order Approving Trustee's Agreement with Google Inc. to Modify Stay and Compromise Certain Claims of Debtor's Wholly-owned Corporations and Related Relief, signed by the Court on December 5, 2006, and under the settlement agreement and related documents executed by the Chapter 7 pursuant to such Order. Google's claim arises from unlawful conduct committed by the Debtor as a debtor in possession under Chapter 13 of the United States Bankruptcy Code. Google maintains that the entire claim arose after the commencement of this bankruptcy case, although in the event the Court determines that any portion of the claim arose prior to the commencement of this case Google asserts the claim, to that extent, as an unsecured prepetition claim. The unlawful conduct of the Debtor is described in detail in the Motion of Google Inc. for Order Declaring Proposed Suit to be Outside Scope of Stay or, in the Alternative, Modifying Stay, filed on August 18, 2006, together with its accompanying exhibits, all of which are incorporated herein by reference. Google estimates its claim at \$250,000 which consists of expenses, including but not limited to internal management time and external legal fees, incurred in defending actions and responding to acts committed by the Debtor in the course of his unlawful scheme to injure Google. Google further reserves all claims against the Debtor individually that arose after the conversion of this case to one under Chapter 7 or that are otherwise not discharged in this bankruptcy proceeding.

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